

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WHEREAS this Court's Opinion and Order and the reasoning contained therein was intended to apply to each of the moving defendants who had not made stipulations of dismissal, including Best Buy.com, LLC; Best Buy Stores, L.P.; Best Buy Enterprises Services, Inc. (collectively "Best Buy"); Toshiba Corporation; and Toshiba America Consumer Products, LLC (collectively "Toshiba");

WHEREAS this Court's Opinion and Order indicated in footnote one that Defendants Best Buy Co., Inc., Best Buy Stores, L.P., Best Buy Enterprise Services, Inc., BestBuy.com, LLC executed stipulations of dismissal with VoxPath yet Best Buy Co., Inc was the only Best Buy entity to do so and the remaining Best Buy entities remain;

WHEREAS the party alleging infringement must, in accordance with Local Patent Rule 3.1, provide infringement contentions which include as specific identification as possible of the accused product, device, or instrumentality and identify each method or process which, when used, allegedly results in the practice of the claimed method or process;

WHEREAS VoxPath alleges infringement of the '378 and '530 Patents against thirty-two (32) Best Buy and DeSay products, yet provided claim charts for only one of the patents for ten (10) accused products and no claim charts for fourteen (14) of the accused products;

WHEREAS VoxPath has not sufficiently demonstrated that, taking into account Best Buy's use of components from diverse suppliers, the charted Best Buy products are the same or reasonably similar to the uncharted products as to warrant their application for purposes of the infringement analysis of the uncharted accused products;

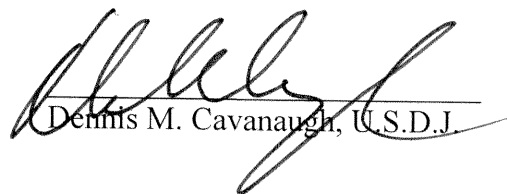
WHEREAS two hundred and twenty-seven (227) Toshiba products have been accused of infringing the '378 and '530 patents but VoxPath has provided infringement charts for only eleven (11) products for the '378 Patent, and nine (9) for the '530 Patent, and VoxPath has not

sufficiently established that the uncharted products are reasonably similar to the charted products for purposes of an infringement analysis;

IT IS 19 day of November, 2012;

ORDERED this Court's Opinion and Order (ECF Nos. 336, 337) shall also be applied to Defendants Best Buy.com, LLC; Best Buy Stores, L.P.; Best Buy Enterprises Services, Inc.; Toshiba Corporation; and Toshiba America Consumer Products, LLC, as well as the entirety of the moving Defendants listed in the first paragraph of this order; and it is further

ORDERED that footnote one on page one of this Court's Opinion and Order (ECF Nos. 336, 337) is amended as follows: "Plaintiff VoxPath has executed stipulations for dismissal without prejudice as to all claims between it and Defendants Best Buy Co., Inc.; LG Electronics U.S.A., Inc.; LG Electronics, Inc.; JVC Americas Corp.; and JVC KENWOOD Corp., respectively. (ECF Nos. 303, 309, 316)."



Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office
cc: Hon. Joseph A. Dickson, U.S.M.J.
All Counsel of Record
File